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15 ATTORNEYS FOR DEFENDANTS AND COUNTERCLAIMANTS
16 ADVANCED SEMICONDUCTOR ENGINEERING, INC. AND ASE (U.S.), INC.

17 UNITED STATES DISTRICT COURT
18 NORTHERN DISTRICT OF CALIFORNIA
19 OAKLAND DIVISION

20 TESSERA, INC.,

21 CASE No. 4:05-cv-04063-CW

22 Plaintiff, Counter-defendant,

23 v.
24 **JOINT STIPULATION AND
[PROPOSED] ORDER CHANGING THE
DATE OF UPCOMING CASE
MANAGEMENT CONFERENCE AND
RELATED DATES**

25 ADVANCED MICRO DEVICES, INC. et al.,

26 Defendants, Counter-claimants.

1 1. WHEREAS, this Court stayed the case known as *Tessera, Inc. v. Advanced Micro*
 2 *Devices, Inc. et al*, Case No. C 05-04063 (CW) (the “AMD case”) by its order of May 24, 2007
 3 with respect to International Trade Commission Investigation 337-TA-605 “until the
 4 determination of the ITC, including appeals becomes final,” and WHEREAS, on August 5, 2008
 5 the Court ordered that the stay of the AMD case “shall be extended until a determination in the
 6 International Trade Commission Investigation 337-TA-649, including appeals, becomes final;”
 7 and

8 2. WHEREAS, this Court issued a Related Case Order on September 11, 2008 in the
 9 AMD case finding that the three cases known as, *Siliconware Precision Industries Co., Ltd. et al.*
 10 *v. Tessera*, Case No. C 08-03667 RS; *Advanced Semiconductor Engineering Inc. et al. v.*
 11 *Tessera*, Case No. C 08-03726 EMC; and *Chipmos Technologies Inc. et al. v. Tessera, Inc.*, Case
 12 No. C 08-03827 CW, were related to the AMD case (these three cases are collectively the
 13 “Related Cases”); and

14 3. WHEREAS, this Court stayed all proceedings in the Related Cases, to include all
 15 claims and counterclaims, by its order of December 19, 2008 “[i]n light of the decision by the
 16 International Trade Commission (‘ITC’) granting Tessera’s motion to amend the Complaint and
 17 Notice of Investigation adding U.S. Patent No. 5,663,106 to the investigation” known as 337-
 18 TA-649 and the stipulation of the parties in the Related Cases; and

19 4. WHEREAS, this Court issued a Related Case Order on November 10, 2010,
 20 finding that the case known as *Spansion Inc. v. Tessera Inc.*, Case No. C 10-04954 MMC (the
 21 “Spansion case”), is related to this case; and

22 5. WHEREAS, by its orders of December 7, 2010 this Court subsequently set a Case
 23 Management Conference in the AMD case, the Spansion case and the Related Cases for June 7,
 24 2011 at 2:00 p.m; and

25 6. WHEREAS the parties in the AMD, Spansion, and Related Cases, by their
 26 undersigned counsel, report to the Court that the current status of the International Trade
 27 Commission Investigation 337-TA-605, which is under appeal to the Federal Circuit in Case
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1 Number 09-1460, is that the Federal Circuit issued its decision on December 21, 2010, affirming
2 the Commission's final determination, but all appeals have not yet been exhausted. In particular,
3 the period for any petitions to the United States Supreme Court for a *writ of certiorari* has not yet
4 run, and at least one defendant in the AMD Case intends to seek such a petition, and;

5 7. WHEREAS, because a final resolution of ITC's 337-TA-605 investigation,
6 including appeals, is still pending, and therefore the parties in the AMD case, in the Spansion
7 case, and in the Related Cases believe that it would be most efficient to further postpone the case
8 management conference and related activity in the AMD case, the Spansion case, and the
9 Related Cases until approximately November 8, 2011; and

10 8. WHEREAS, the parties appearing below agree that there would be no prejudice to
11 the parties in moving the case management conference, as that case is currently stayed;

12 THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the
13 parties appearing below through their undersigned respective attorneys of record, based on the
14 foregoing, and subject to the approval of this Court, that:

15 a. The case management conference currently scheduled for June 7, 2011, at 2:00
16 p.m. in the AMD case shall be rescheduled for November 8, 2011 at 2:00 p.m., or as soon
17 thereafter as the Court is available;

18 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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20 Dated this 24th day of May, 2011.


Honorable Claudia Wilken
United States District Judge

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1 Dated: May 23, 2011

/s/
Gina A. Bibby
FOLEY & LARDNER LLP
Attorneys for defendants and counter-claimants
ADVANCED SEMICONDUCTOR
ENGINEERING, INC., ASE TEST LIMITED, and
ASE (U.S.) INC.

5 Dated: May 23, 2011

/s/
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Attorneys for defendants and counter-claimants
SILICONWARE PRECISION INDUSTRIES CO.,
LTD. and SILICONWARE U.S.A.

9 Dated: May 23, 2011

/s/
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ADVANCED MICRO DEVICES, INC.,
SPANSION TECHNOLOGY INC., SPANSION
INC. and SPANSION LLC

12 Dated: May 23, 2011

/s/
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U.S.A. INC.

16 Dated: May 23, 2011

/s/
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20 Dated: May 23, 2011

/s/
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and STATS CHIPPAC (BVI) LIMITED

24 Dated: May 23, 2011

/s/
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TESSERA, INC.

1 Concurrence in the filing of this document has been obtained from the signatories listed
2 above.

3 Dated: May 23, 2011

4 FOLEY & LARDNER LLP

5 /s/
6 Gina A. Bibby
7 Attorneys for defendants and counter-claimants
8 ADVANCED SEMICONDUCTOR
9 ENGINEERING, INC., ASE TEST LIMITED, and
10 ASE (U.S.) INC.

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